

Exhibit 1



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

FEB 16 2022

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Compliance with Preliminary Injunction Concerning Requests for Religious Accommodation (*U.S. Navy Seals 1-26 v. Biden*, No. 4:21-cv-01236 (N.D. Tex.))

On January 3, 2022, the U.S. District Court for the Northern District of Texas issued a preliminary injunction prohibiting the Department, the Secretary of Defense, and the Secretary of the Navy from taking adverse action against the 35 plaintiffs¹ on the basis of their requests for religious accommodation with respect to the coronavirus disease 2019 vaccination requirement. The injunction specifically prohibits application of four Navy regulations² to the plaintiffs. More generally, the order prohibits any “adverse action” based on plaintiffs’ requests for religious accommodation.

Through a second order, dated February 13, 2022, the court clarified that its initial order required that the “status quo” must be maintained relative to these plaintiffs, meaning they may not be “deprived of pay, training, medical treatment, travel opportunities, and more.” By way of example, the court stated “punitive action [may not be taken] against [a plaintiff] by blocking him from a training program he would otherwise attend.”

Accordingly, the operation or enforcement of any DoD or component regulation, order, or other authority that may constitute “adverse action” against the plaintiffs based on a request for religious accommodation or unvaccinated status is prohibited. The phrase “adverse action” should be interpreted broadly. Unless the court’s preliminary injunction is stayed or modified, disciplinary or adverse administrative actions – including application to them of DoD restrictions concerning travel for unvaccinated personnel (i.e., permanent change of station moves, deployment, temporary duty travel) – may not be imposed on the 35 plaintiffs based solely on their unvaccinated status. The U.S. Government is appealing the preliminary injunction.

Gilbert R. Cisneros, Jr.

¹ The plaintiffs filed the case using pseudonyms, and the judge has entered a protective order requiring those within the Department who are aware of these plaintiffs’ identities to use that information only for the purposes of the litigation, including to comply with the court’s order.

² Manual of the Medical Department § 15-105(3)(n)(9); Navy Administrative Messages 225/21 and 256/21; and Trident Order #12.